

APPEAL NO. 031118  
FILED JULY 21, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 15, 2003. The hearing officer resolved the disputed issue by deciding that the appellant's (claimant) compensable injury of \_\_\_\_\_, extends to include cervical spondylosis at C4-C7 and a soft tissue thoracic injury, but does not extend to include De Quervain's syndrome, bilateral carpal tunnel syndrome (CTS), headaches, depression, memory loss, or a lumbar spine injury. The claimant appeals, disputing the determination that the compensable injury does not extend to include De Quervain's syndrome, bilateral CTS, headaches, depression, memory loss, or a lumbar spine injury. In its response, the respondent (carrier) contends that the overwhelming weight of the credible evidence supports the findings of fact and conclusions of law of the hearing officer.

DECISION

Affirmed.

It was undisputed that the claimant sustained a compensable injury on \_\_\_\_\_. The claimant appeals the hearing officer's Finding of Fact No. 2, finding that on \_\_\_\_\_, while in the course and scope of employment, the claimant was involved as a passenger in a sport utility vehicle that collided with an 18-wheel truck, which weighed about 100,000 pounds. The claimant contends that the evidence reflects that the truck weighed 180,000 pounds. We note that the evidence reflects that the truck weighs 180,000 pounds, but the exact weight of the truck is not material to any of the issues in dispute.

At issue was whether the compensable injury extended to include various other conditions. The hearing officer was persuaded that the compensable injury extends to include cervical spondylosis at C4-C7 and a soft tissue thoracic injury. However, the hearing officer was not persuaded that the compensable injury extends to include De Quervain's syndrome, bilateral CTS, headaches, depression, memory loss, or a lumbar spine injury. The extent-of-injury issue presented a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The factors emphasized by the carrier in challenging the hearing officer's extent-of-injury determination on appeal are the same factors it emphasized at the hearing. The significance, if any, of those factors was a matter for the hearing officer. Nothing in our review of the record reveals that the challenged determination is so against the great weight and preponderance of the evidence as to

be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse that determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **CONTINENTAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION  
350 NORTH ST. PAUL  
DALLAS, TEXAS 75201.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Veronica Lopez-Ruberto  
Appeals Judge